

On April 29, 1924, no claimant having appeared for the property, after submission of evidence by the Government, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12773. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17985. I. S. Nos. 1976-v, 2159-v. S. No. B-4566.)

On November 8, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., on or about October 13, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines In Cotton Seed Oil Packed by L. D. Clark & Son, Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12774. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18983. I. S. No. 20174-v. S. No. W-1547.)

On August 8, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of three cases of butter at San Francisco, Calif., alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., July 26, 1924, and transported from the State of California into the Territory of Hawaii (returned by the consignor to San Francisco), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Parkdale Brand Creamery Butter 1 Pound Net Weight Distributed by Western Meat Co., San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight" was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 8, 1924, the Western Meat Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12775. Adulteration and misbranding of lemon extract. U. S. v. Shepard Baking Powder Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 15575. I. S. No. 177-t.)

On January 10, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shepard Baking Powder Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about June 21, 1921, from the State of Missouri into the State of Illinois, of a quantity of lemon extract which was adulterated and misbranded. The article was labeled in part: (Bottle) "Keystone Brand Terpeneless Lemon Extract * * * Manufactured by Shepard Baking Pwd. Co. St. Louis."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a dilute terpeneless extract of lemon, deficient in citral.